



Billing Code 4510-CM

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

Approval of Information Collection Requirements; Comment
Request

ACTION: Notice

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA). 44 U.S.C. 3506(c)(2)(A). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly

assessed. Currently, the Office of Federal Contract Compliance Programs is soliciting comments on its proposal to implement standard procedures for supply and service contractors seeking approval to develop affirmative action programs based on functional or business units. A copy of this information collection request (ICR), with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov website at <http://www.reginfo.gov/public/do/PRAMain> or by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: You may submit comments, identified by Control Number 1250-0006, by either one of the following methods:

Electronic comments: through the Federal eRulemaking portal at <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail, Hand Delivery, Courier: Debra A. Carr,
Director, Division of Policy and Program Development,
Office of Federal Contract Compliance Programs, 200
Constitution Avenue, N.W., Room C-3325, Washington, D.C.
20210. Telephone: (202) 693-0104 (voice) or (202) 693-1337
(TTY).

Instructions: Please submit one copy of your comments
using only one of the methods listed above. All
submissions must include the name of the agency and the
Control Number for this information collection, as
identified above. Because we continue to experience delays
in receiving mail in the Washington, D.C. area, commenters
are strongly encouraged to transmit their comments
electronically via the regulations.gov website or to submit
them by mail early. Comments, including any personal
information provided, become a matter of public record and
will be posted to the regulations.gov website. They will
also be summarized or included in the request for Office of
Management and Budget approval of the information
collection request.

FOR FURTHER INFORMATION CONTACT: Debra A. Carr, Director,
Division of Policy and Program Development, Office of

Federal Contract Compliance Programs, Room C-3325, 200
Constitution Avenue, N.W., Washington, D.C. 20210.
Telephone: (202) 693-0104 (voice) or (202) 693-1337 (TTY)
(these are not toll-free numbers). Copies of this notice
may be obtained in alternative formats (Large Print,
Braille, Audio Tape or Disc), upon request, by calling
(202) 693-0104 (not a toll-free number). TTY/TDD callers
may call (202) 693-1337 (not a toll-free number) to obtain
information or request materials in alternative formats.

SUPPLEMENTARY INFORMATION:

I. **Background:** The Office of Federal Contract Compliance
Programs (OFCCP) administers three nondiscrimination and
equal employment opportunity laws. These authorities
prohibit employment discrimination and require affirmative
action to ensure that equal employment opportunities are
made available by Federal contractors regardless of race,
sex, sexual orientation, gender identity, color, national
origin, religion, status as a qualified individual with a
disability, or protected veteran status:

- Executive Order 11246, as amended (E.O. 11246);
- Section 503 of the Rehabilitation Act of 1973, as
amended, 29 U.S.C. 793; and

- The affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212.

For purpose of this clearance, the regulations permit Federal supply and service contractors to develop affirmative action programs (AAPs) that are based on business function or business unit rather than AAPs based on establishments.¹ Functional affirmative action programs (FAAPs) are designed to provide contractors with the option of creating AAPs that better fit their business needs. To develop and implement a FAAP, Federal contractors must receive written approval from the Director² of OFCCP. On December 17, 2012, OFCCP issued Directive Number 305, Functional Affirmative Action Programs, which replaced Directive 296. This Information Collection Request (ICR) addresses the recordkeeping and reporting requirements involved in the procedures for obtaining a FAAP agreement as well as updating, modifying and certifying an existing FAAP agreement.

A separate ICR, approved by the Office of Management and Budget (OMB) under OMB number 1250-0003, addresses

¹ 41 CFR 60-2.1(d) (4)

² The "Director" was formerly known as the Deputy Assistant Secretary.

developing establishment-based AAPs and scheduling compliance evaluations for supply and service contractors with establishment-based AAPs.

II. Desired Focus of Comments: The Department of Labor is particularly interested in comments which:

- evaluate whether the proposed collection of information is necessary for the compliance and enforcement functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions: The Department of Labor seeks the approval for the renewal of OMB approval of this ICR so that it can enforce the anti-discrimination and affirmative action provisions of the legal authorities it administers.

Agency: Office of Federal Contract Compliance Programs

Type of Review: Revision of an existing OMB Control Number.

Title: Agreement Approval Process for Use of Functional Affirmative Action Programs

OMB Control Number: 1250-0006.

Agency Form Number: None.

Affected Public: Business or other for-profit, Not-for-profit institutions.

Estimated Number of Respondents: 91

Frequency: Annual

Total Estimated Annual Responses: 91

Estimated Average Time per Response (approximation due to rounding): 14 hours.

Estimated Total Burden Hours (approximation due to rounding): 1,508 (or 503 hours annually)

Total Estimated Annual Cost Burden: \$89 (or \$30 annually).

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

DATED: ____ July 9,
2015. _____

Debra A. Carr,
Director, Division of Policy and Program Development,
Office of Federal Contract Compliance Programs.
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